

R E A S O N S ^{1.}

Of the present judgement of the
University of OXFORD,

C O N C E R N I N G

{ The Solemne League and Covenant.
{ The Negative Oath.
{ The Ordinances concerning Discipline
and Worship.

*Approved by generall consent in a full Convo-
cation, 1 Jun. 1647.*

Then Published for their own Justification ; and
now Re-printed for the satisfaction of others.



L O N D O N,

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REASONS

OF THE PRESENT POSITION OF THE
UNIVERSITY OF OXFORD

IN THE
THE STUDENT LEAGUE AND CONVENTION

THE
PAGES
2.50

Modern Life &
Letters

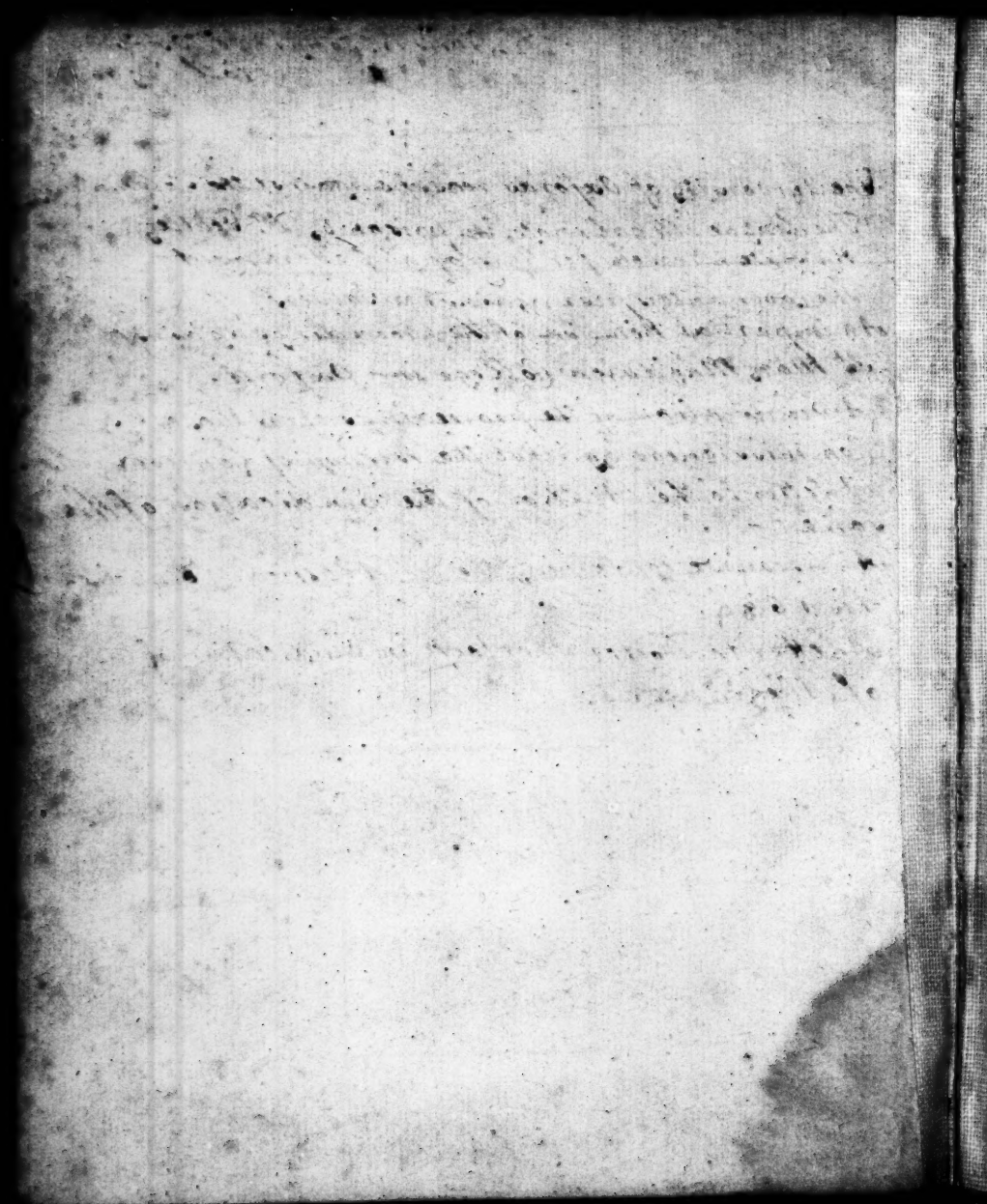
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THE UNIVERSITY OF OXFORD





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A Solemn League and Covenant, for
Reformation, and defence of Reli-
gion, the honour and happinesse of
the King, and the Peace and Safety
of the three Kingdomes, England,
Scotland, and Ireland.

WE Noblemen, Barons, Knights, Gentlemen, Citizens, Bur-
gessees, Ministers of the Gospell, and Commons of all sorts
in the Kingdoms of England, Scotland, and Ireland, by the Provi-
dence of God living under on: King, and being of one Reformed Religi-
on, having before our eyes the glory of God, and the advancement of the
Kingdome of our Lord and Saviour Jesus Christ, the honour and hap-
pinesse of the Kings Majestie, and His Posterity, and the true pub-
lick Liberty, Safety, and Peace of the Kingdoms wherein every
ones private condition is included, and calling to mind the treacherous
and bloody Plots, Conspiracies, Attempts, and practises of the Enemies
of God against the true Religion, and Professors thereof in all places,
especially in these three Kingdoms, ever since the Reformation of
Religion, and how much their rage, power, and presumption are of
late, and at this time increased and exertised; whereof the deplorable
estate of the Church and Kingdom of Ireland, the distressed estate of the
Church and Kingdom of England, and the dangerous estate of the
Church and Kingdom of Scotland, are presens and publick Testimo-
nies; We have now at last, (after other means of supplication; Re-
monstrance, Protestations, and Sufferings) for the preservation of our
selves and our Religion from utter ruine and destruction, according
to the commendable practice of these Kingdomes in former times; and
the Example of Gods People in other Nations; after mature delibe-
ration resolved and determined to enter into a mutuall and solemn
League and Covenant; wherein we all subscribe, and each one of us
for himself with our hands lifted up to the most High God, do
swear:

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That

I.
That we shall sincerely, ^{and} constantly, through the Grace of God, endeavour in our severall places and callings, the preservation of the Reformed Religion in the Church of *Scotland*, in Doctrine, Worship, Discipline and Government, against our common Enemies; The Reformation of Religion in the Kingdoms of *England* and *Ireland* in Doctrine, Worship, Discipline and Government, according to the Word of God, and the example of the best reformed Churches: And shall endeavour to bring the Churches of God in the three Kingdoms, to the nearest conjunction and uniformity in Religion, Confession of Faith, Form of Church Government, Directory for Worship and Catechizing; That we and our posterity after us may as Brethren live in Faith and Love, and the Lord may delight to dwell in the midst of us.

II.

That we shall in like manner, without respect of persons, endeavour the extirpation of Popery, Prelacy, (that is, Church Government by Archbishops, Bishops, their Chancellours and Commissaries, Deans, Deans and Chapters, Archdeacons, and all other Ecclesiasticall Officers depending on that Hierarchie) Superstition, Heresie, Schisme, Profanenesse, and whatsoever shall be found to be contrary to sound Doctrine, and the power of Godlinesse; lest we partake in other mens sins, and thereby be in danger to receive of their plagues, and that the Lord may be one, and his Name one in the three Kingdoms.

III.

We shall with the same sincerity, reality and constancy, in our severall Vocations, endeavour with our estates and lives, mutually to preserve the Rights and Privileges of the Parliaments, and the Liberties of the Kingdoms, and to preserve and defend the Kings Majesties person and authority, in the preservation and defence of the true Religion, and Liberties of the Kingdoms, that the world may bear witness with our consciences of our Loyalty, and that we have no thoughts or intentions to diminish His Majesties just power and greatness:

We

III.

We shall also with all faithfullnesse endeavour the discovery of all such as have been, or shall be Incendiaries, Malignants, or evill Instruments, by hindring the Reformation of Religion, dividing the King from his people, or one of the Kingdoms from another, or making any faction or parties amongst the people, contrary to this League and Covenant, that they may be brought to publick triall, and receive condigne punishment, as the degree of their offences shall require or deserve, or the supream Judicatories of both Kingdoms respectively, or others having power from them for that effect, shall judge convenient.

V.

And whereas the happinesse of a blessed Peace between these Kingdomes, denied in former times to our progenitours, is by the good providence of God granted unto us, and hath been lately concluded, and settled by both Parliaments, we shall each one of us, according to our place and interest endeavor that they may remain conjoynd in a firm Peace and Union to all posterity; And that Justice may be done upon the wilfull opposers thereof, in manner expressed in the precedent Articles.

VI.

We shall also according to our places and callings in this common cause of Religion, Liberty and Peace of the Kingdomes, assist and defend all those that enter into this League and Covenant, in the maintaining and pursuing thereof, and shall not suffer our selves directly or indirectly by whatsoever combination, perswasion or terror to be divided and withdrawn from this blessed Union and Conjunction, whether to make defection to the contrary part, or to give our selves to a detestable indifferencie or neutrality in this cause, which so much concerneth the glory of God, the good of the Kingdoms and the honour of the King; but shall all the dayes of our lives zealously and constantly continue therein, against all opposition, and promote the same according to our power, against all lets and impediments whatsoever; and what we are not able our selves to suppress or overcome, we

shall reveal, and make known, that it may be timely prevented or removed; All which we shall do as in the sight of God!

And because these Kingdoms are guilty of many finnes and provocations against God, and his Son Jesus Christ, as is too manifest by our present distresses and dangers the fruits thereof; We profess and declare before God and the world, our unsained desire to be humbled for our owne sins, and for the sins of these Kingdoms, especially that we have not as we ought, valued the inestimable benefit of the Gospel, that we have not laboured for the purity and power thereof, and that we have not endeavoured to receive Christ in our hearts, nor to walke worthy of him in our lives, which are the causes of other finnes and transgressions so much abounding amongst us; And our trae and unsained purpose, desire, and endeavour for our selves, and all others under our power and charge, both in publick and in private, in all duties we owe to God and man, to amend our lives, and each one to goe before another in the example of a reall Reformation, that the Lord may turn away his wrath and heavy indignation, and establish these Churches and Kingdoms in truth and peace. And this Covenant we make in the presence of Almighty God the searcher of all hearts, with a true intention to perform the same, as we shall answer at that great day, when the secrets of all hearts shall be disclosed. Most humbly beseeching the Lord to strengthen us by his holy Spirit for this end, and to blesse our desires and proceedings with such successe, as may be deliverance and safety to his people, and encouragement to other Christian Churches groaning under, or in danger of the yoke of Antichristian tyranny; to joyn in the same, or like Association and Covenant, to the glory of God, the enlargement of the Kingdom of Jesus Christ, and the peace and tranquillity of Christian Kingdoms and Common-wealths.

THE

The Negative Oath.

I A. B. Doe swear from my heart, that I will not directly, nor indirectly, adhere unto, or willingly assist the King in this War, or in this Cause, against the Parliament, nor any Forces raised without the consent of the two Houses of Parliament, in this Cause or Warre: And I doe likewise swear, that my comming and submitting my self under the Power and Protection of the Parliament, is without any manner of Design whatsoever, to the prejudice of the proceedings of this present Parliament, and without the direction, privity, or advice of the King, or any of his Counsell, or Officers, other then what I have now made known. So help me God, and the contents of this Booke.

Rea-

450 mg

20 helps me God, and the content of the



Rev.



*Reasons why the University of Oxford
cannot submit to the Covenant, the
Negative oath, the Ordinance concern-
ing Discipline and Directory mentio-
ned in the late Ordinance of Parliament
for the Visitation of that place.*



Hereas by an Ordinance of the Lords and Commons assembled in Parliament, for the Visitation and Reformation of the University of Oxford lately published, power is given to certain persons therein named as Visitors, to enquire concerning those of the said University that neglect to take the Solemne League and Covenant, and the Negative Oath being tendred unto them, and likewise concerning those that oppose the execution of the Ordinances of Parliament concerning the Discipline and Directory, or shall not promote or cause the same to be put in execution according to their severall places and callings, We the Masters, Scholars, and other Officers & Members of the said University, (not to judge the Consciences of others, but to cleare our selves before God and the world from all suspicion of Obstinacie, whilst we discharge our own ;) present to consideration the true reasons of our present judgment concerning the said Covenant, Oath, and Ordinances: Expecting so much Justice, and hoping for so much Charity, as either not to be pressed to conform to what is required in any the premisses, further then our present judgments will warrant us, or not condemned for the refusing so to doe, without cleare and reall satisfaction given to our just scruples.

Sect. 1.

Of the Preface to the Covenant.

THE Exceptions against the Introductory Preface to the Covenant although we insist not much upon, because it may be said to be no part of the Covenant: yet among the things therein contained, the acknowledgment whereof is implicitly required of every Covenanter,

1. We are not able to say, *that the rage, power, and presumption of the enemies of God (in the sense there intended) is at this time increased.*
2. Nor can truly affirme that we had used, or given consent to any *Supplication or Remonstrance* to the purposes therein expressed.
3. Nor doe conceive the entering into such a mutuall League and Covenant to be a lawfull, proper and probable means to *preserve our selves and our Religion from ruine and destruction.*
4. Nor can believe the same to be *according to the commendable practice of these Kingdomes, or the example of Gods people in other Nations.* When we find out the least foot-step in our Histories of a sworne Covenant ever entered into by the people of this Kingdome upon any occasion whatsoever; nor can readily remember any commendable example of the like done in any other Nation: but are rather told by the defenders of this Covenant, that *(a) the world never saw the like before.*

(a) *Such an Oath, as for Matter, Per-*

sons, and other Circumstances, the like hath not been in any Age or Oath we read of in sacred or humane stories, M. Nye Covenant with Narrative, pag. 12.

Sect. II.

Of the Covenant in grosse.

I.

Erst, we are not satisfied, how we can submit to the taking thereof, as it is now imposed under a penalty.

1. Such imposition (to our seeming) being repugnant to the nature

nature of a Covenant: which being a Contract implyeth a
 (a) *voluntary mutual consent* of the Contractors; whereun- *(a) Statum*
 to men are to be induced by persuasions, not compelled by *duress*
 power. In so much that the very words of this Covenant *plurimum in*
 in the Preface, conclusion, and whole frame thereof runne *idem placuit*
 in such a forme throughour, as import a consent rather *consensus. L.*
 grounded upon prudentiall motives, then exorted by Ri- *1. ff. de Pa-*
 gour. *gis.*

2. Without betraying the Liberty, which by our protestation we are bound, and in the third Article of this Covenant must swear, *with our lives and fortunes to preserve.* To which Liberty the imposition of a new Oath, other then is established by Act of Parliament is expressed in the (b) *Petition of* (b) *Whereas*
Rights, and by the Lords and Commons in their (c) *Decla-* many of them
rations acknowledged to be contrary. *have had an*
oath admini-

stred unto them not warrantable by the Laws and Statutes of this Realm, They doe humbly pray that no man hereafter be compelled to take such an oath— All which they most humbly pray—as their rights and liberties according to the Laws and Statutes of this Realm. Petit. of Right, 3. Carol. (c) It is declared 16. Jan. 1642. That the King cannot compell men to be sworn without an act of Parliament. Exact Collect. pag. 859, 860.

3. Without acknowledging in the Imposers, a greater Power then, for ought that appeareth to us, hath been in former time challenged; Or can consist with our former Protestation (if we rightly understand it) in sundry the most materiall branches thereof.

Neither, secondly, are we satisfied; although the Covenant should not be imposed upon us at all, but only recommended to us, and then left to our choice: II.

1. How we should in wisdom and duty (being Subjects) of our own accord and free will enter into a Covenant, wherein He, whose Subjects we are, is in any wise concerned, without his consent, either expressed or reasonably presumed. It being in his power (as we conceive) by the equity of the Law, *Numb. 30.* to annull and make void the same at his pleasure.

(d) *Proclamation*
of 9. Octob.
19. Car.

2. How we can (now that His Majesty hath by His publique (d) *Interdict* sufficiently made known His pleasure in that behalfe) enter into a Covenant, the taking whereof he hath expressly forbidden; without forfeiting that Obedience, which (as we are perswaded) by our naturall Allegiance, and former Oathes we owe unto all such His Majesties Commands, as are not in our apprehensions repugnant to the will of God, or the positive Laws of this Kingdome.

SECT. III.

Of the first Article of the Covenant.

L

W Herein, first, we are not satisfied, how we can with judgement swear to endeavour to preserve the Religion of another Kingdome;

1. Whereof, as it doth not concerne us to have very much, so we profess to have very little understanding.

2. Which (so far as the occurrents of these unhappy times have brought it to our knowledge, and we are able to judge) is in three of the four specified particulars, *viz. Worship, Discipline, and Government*, much worse; and in the fourth (that of *Doctrine*) not at all better then our own; which we are in the next passage of the Article required to reforme.

3. Wherein if hereafter we shall find any thing (as upon farther understanding thereof it is not impossible we may) that may seem to us favouring of *Papery, Superstition, Heresie, or Schisme*, or contrary to sound doctrine, or the power of godlinesse; we shall be bound by the next Article to endeavour the extirpation; after we have bound our selves by this first Article to the preservation thereof.

4. Wherein we already find some things (to our thinking) so far tending towards (a) *Superstition* and (b) *Schisme*, that it seemeth to us more reasonable that we should call

(viz.) In accounting *Bishops* *Antichristian*, and indifferent Ceremonies unlawfull.

(b) *viz. In making their discipline and government a mark of the true Church, and the setting up thereof the erecting of the throne of Christ.*

upon

upon them to reforme the same, then that they should call
upon us to preserve it.

Secondly, we are not satisfied in the next branch, concerning
the Reformation of Religion in our own Kingdome, in *Doctrine,*
Worship, Discipline and Government; How we can swear to en-
deavour the same, (which without making a change therein can-
not be done.)

1. Without *manifest scandall to the Papist and Separatist,*

1. By yielding the cause, which our godly Bishops and Mar-
tyrs, and all our learned Divines ever since the Reformation
have both by their writings and sufferings maintained; who
have justified, against them both, the Religion established
in the Church of *England* to be agreeable to the Word of
God.

2. By justifying the Papists in the reproches and scorn by them
cast upon our Religion, whose usuall objection it hath been
and is, that we know not what our Religion is; that since we
left them, we cannot tell where to stay; and that our Reli-
gion is a (e) *Parliamentary Religion.*

(c) Let us not
be blamed if

we call it *Parliament Religion, Parliament Gospel, Parliament Faith.* Harding
confut. of Apolygy, part 6. Chap. 2.

3. By a tacite acknowledgement that there is something both
in the doctrine and worship, whereunto their conformity
hath been required, not agreeable to the Word of God; and
consequently justifying them both, the one in his Recufancy,
the other in his Separation.

4. By an implied Confession, that the Lawes formerly made
against Papists in this Kingdome, and all punishments by vir-
tue thereof inflicted upon them, were unjust; in punishing
them for refusing to joine with us in that forme of Wor-
ship, which our selves (as well as they) doe not approve
of.

5. Without *manifest wrong unto our selves,* our Consciences,
Reputation and Estates, in bearing false witness against our selves,
and sundry other wayes: by swearing to endeavour to reforme
that, as corrupt and vicious,

1. Which we have formerly by our Personall Subscriptions approved, as agreeable to Gods Word; and have not been since either condemned by our own hearts for so doing, or convinced in our judgements by any of our Brethren that therein we did amisse.
2. Which in our Consciences we are perswaded, not to be in any of the four specified particulars (as it standeth by Law established) much lesse in the whole four, against the Word of God.
3. Which we verily believe (and, as we think upon good grounds) to be in sundry respects much better, and more agreeable to the Word of God, and the practice of the Catholique Church, then that which we should by the former words of this Article swear to preserve.
4. Whereunto the (d) Lawes yet in force, require of all such Clerks as shall be admitted to any Benefice, the signification of their hearty assent, to be attested openly in the time of Divine Service before the whole congregation there present, within a limited time, and that under pain (upon default made) of the losse of every such Benefice.

(d) Stat. 13.
Elix. 12.

III.

3. Without *manifest danger of Perjury*: This branch of the Article (to our best understandings) seeming directly contrary,
 1. To our former solemn Protestation, which we have bound our selves neither for hope, fear, or other respect ever to relinquish. Wherein the Doctrine which we have vowed to maintain, by the name of the *true Protestant Religion expressed in the Doctrine of the Church of England*, we take to be the same which now we are required to endeavour to reform and alter.
 2. To the Oath of Supremacy, by us also taken, according to the Lawes of the Realme, and the Statutes of our University in that behalfe. Wherein having first testified and declared in our Consciences, that the *Kings Highnesse is the only supreme Governour of this Realme*, we doe after swear to our power to assist and defend all Jurisdictions, Privileges, Prebeminences, and Authorities granted or belonging to the *Kings Highnesse, His Heires, and Successors, or united and annexed to the*

Imperiall Crowne of this Realme. One of the which Privileges and Preeminences, by an expresse Statute so annexed, and that even, *interminis*, in the self-same words in a manner with those used in the Oath, is the whole power of Spirituall or Ecclesiasticall Jurisdiction, for the correction and reformation of all manner of errors and abuses in *matters Ecclesiasticall*: as by the (e) words of the said Statute more at large (c) Such in appeareth. The Oath affording the Proposition, and the Statute the Assumption, we find no way how to avoid the Conclusion, *superiorities and preemi-*

merices spirituall and ecclesiasticall, as by any, &c. for the Visitation of the Ecclesiasticall State and Persons, and for reformation, order and correction of the same, and of all manner errors, heresies, schismes, abuses, offences, contempts and enormities, shall for ever by authority of this present Parliament be united and annexed to the Imperiall Crowne of this Realme. An Act restoring to the Crown the ancient Jurisdiction, &c. 1 Elizab. 1.

SECT. IV.

Of the second Article of the Covenant.

First, it cannot but affect us with some griefe and Amazement, to see that ancient forme of Church-Government, which we heartily (and, as we hope, worthily) honour; as under which our Religion was at first so orderly, without violence or tumult, and so happily, reformed; and hath since so long flourished with Truth and Peace, to the honour and happinesse of our own, and the envy and admiration of other Nations, not only

1. Endeavoured to be extirpated; without any reason offered to our understandings, for which it should be thought necessary, or but so much as expedient so to doe. But also

2. Ranked with Popery, Superstition, Heresie, Schisme and Profaness; which we unfainedly professe our selves to detest as much as any others whatsoever.

3. And that with some intimation also, as if that Government were some way or other so contrary to sound doctrine, or the power of godlinesse, that whosoever should not endeavour the

the extirpation thereof must of necessity partake in other mens sins, which we cannot yet be perswaded to believe.

4. And we desire it may be considered, in case a Covenant of like forme should be tender'd to the Citizens of London, wherein they should be required to swear, they would sincerely, really and constantly without respect of persons, endeavour the extirpation of *Treason, the City Government* (by a Lord Major, Aldermen, Sherifffes, Common-Council and other officers depending thereon) *Murder, Adultery, Theft, Cozenage, and whatsoever shall be,— &c. lest they should partake in other mens finnes*; whether such a tendry could be looked upon by any Citizen, that had the least spirit of freedom in him as an act of Justice, Meeknesse and Reason?

II. Secondly, for Episcopall Government; we are not satisfied how we can with a good Conscience swear to endeavour the extirpation thereof, 1. in respect of the thing it selfe. Concerning which government we thinke we have reason to believe,

1. That it is (if not *Jure divino* in the strictest sense, that is to say, expressly commanded by God in his Word, yet) of *Apostolicall institution*, that is to say, was established in the Churches by the Apostles, according to the mind and after the example of their Master *Jesur Christ*, and that by virtue of their ordinary power and authority derived from him, as deputed by him Governors of his Church.
2. Or at least, that *Episcopall Aristocracy* hath a fairer pretension, and may lay a juster title and claime to a Divine institution then any of the other formes of Church Government can doe; all which yet do pretend thereunto, viz. that of the *Papall Monarchy*, that of the *Presbyterian Democracy*, and that of the *Independents* by Particular Congregations, or Gathered Churches.
2. But we are assured by the undoubted testimony of Ancient Records and later Histories, that this forme of Government hath been continued with such an universall, uninterrupted, unquestioned succession in all the Churches of God, and in all Kingdomes that have been called Christian throughout the whole world

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world for fifteen hundred years together; that there never was in all that time any considerable opposition made there against. That of *Arian* was the greatest, wherein yet there was little of consideration, beside these two things; that it grew at the first but out of discontent; and gained him at the last but the reputation of an Heretique. From which antiquity and continuance, we have just cause to fear; that to endeavour the extirpation thereof, *in respect of others*

1. Would give such advantage to the Papists; who usually object against us and our Religion, the contempt of antiquity, and the love of novelty; that we should not be able to wipe off the aspersions.
2. Would so diminish the just authority due to the consentient judgment and practice of the universal Church (the best interpreter of Scripture in things not clearly express; for *Lex curiae non praxi*;) that without it we should be at a losse in sundry points both of *Faith* and *Manners*, at this day firmly believed and securely practised by us; when by the Socinians, Anabaptists and other Sectaries; we should be called upon for our proofs. As namely sundry Orthodox explications concerning the Trinity and Co-equality of the Persons in the God-head, against the Arians and other Heretiques; the number, use and efficacy of Sacraments; the Baptizing of Infants; National Churches; the observation of the Lords Day; and even the Canon of Scripture it self.

Thirdly, *in respect of ourselves*: we are not satisfied, how it can stand with the principles of *Justice*, *Ingenuity* and *Humanity*, to require the extirpation of Episcopal Government (unlesse it had been first clearly demonstrated to be unlawful) to be sincerely and really endeavoured, by us.

1. Who have all of us, who have taken any Degree by subscribing the 39. Articles, testified our approbation of that Government: one of those (a) Articles affirming the very Book containing the form of *their Consecration* to contain in it nothing contrary to the Word of God. (a) *Art. 36.*
2. Who have most of us (*viz. as many as* have entred into the Ministry) received Orders from their hands: whom we should

Should very ill require for laying their hands upon us, if we should now lay to our hands to root them up, and cannot tell for what.

3. Who have sundry of us, since the beginning of this Parliament, subscribed our names to Petitions exhibited or intended to be exhibited to that High Court, for the continuance of that Government. Which as we then did sincerely and really, so we should with like sincerity and reality, still (not having met with any thing since to shew us our error) be ready to doe the same again, if we had the same hopes we then had of the reception of such Petitions.

4. Who hold some of us our livelihood, either in whole or in part, by those titles of *Deans, Deans and Chaplains, &c.* mentioned in the Articles, being members of some Collegiate or Cathedrall Churches. And our memories will not readily serve us with any example in this kind since the world began; wherein any state or profession of men, though convicted (as we are not) of a crime that might deserve deprivation, were required to bind themselves by oath, *sincerely and really to endeavour* the rooting out of that (in it self not unlawfull) together wherewith they must also root out themselves, their estates and livelihoods.

5. Especially it being usually in most of the said Churches, that such persons as are admitted members thereof, have a personall Oath administered unto them, to maintain the honour, Immunities, Liberties, and profits of the same; and whilst they live to seek the good, and not to doe any thing to the hurt, hindrance, or prejudice thereof; or in other words to the like effect.

Fourthly, *in respect of the Church of England*: we are not satisfied how we can swear to endeavour the extirpation of the established Government, no necessity or just Cause for so doing, either offering it self, or being offered to our understandings.

1. Since all change of Government unavoidably bringeth with it, besides those that are present and evident, sundry other inconveniences, which no wit of man can possibly fore-see

(41)
to provide against all late exigencies, discover them: We cannot be sure, that the evils which may ensue upon the change of this Government, which hath been of so long continuance in this Kingdome, is so deeply rooted in the Lawes thereof, and hath so neer a conjunction with, and so strong an influence upon the Civill state and Government, as that the change thereof must infer the necessity of a great alteration to be made in the other also:) may not be greater then the supposed evils whatsoever they are, which by this change are sought to be remedied. For there are not yet any come to our knowledge of that desperate nature, as not to be capable of other remedy, then the utter extirpation of the whole Government itself.

2. Whereas the House of Commons have (b) remonstrated, (b) that it was far from their purpose or desire to abolish the advantages Church-Government, but rather that all the members of the this Malicious Church of England should be regulated by such Rules of Order, discipline and Discipline as are established by Parliament, and that it was their Malicious meaning: We are loth by consenting to the second Article they insue to become guilty of such Insurrection, as may bring us within the compass and danger of the fourth Article of this Covenant, which we mean to abolish all Church-Government. — Remonstr. 29. Dec. 1641. Exact Collect. pag. 19. The Lords and Commons doe declare, That they intend a due and necessary Reformation of the Government and Liturgies of the Church: and to take away nothing in the one or in the other, but what shall be evil, and justly offensive, or at least unnecessary and burthensome. Declaring, Apr. 1642. Exact Coll. p. 135.

3. Since it hath been declared by sundry (c) Acts of Parliament, That the holy Church of England was founded in the Carle of state of Prelacy within the Realm of England: We dare not be endeavouring the extirpation of Prelacy strike at the very foundation, and thereby (as much as in us lyeth) cooperate towards the ruine of this famous Church; which in all conscience and duty we are bound with our utmost lawfull power to uphold.

Lastly, in respect of our Obligations to His Majesty by our Duty
C 2 and 3.

and oathes: we are not satisfied how we can swear to endeavour the extirpation of the Church-Government by Law established, without forfeiture of those Obligations.

1. Having in the Oath of Supremacie acknowledged the King to be the *only Supreme Governour in all Ecclesiasticall Causes*; and over all Ecclesiasticall Persons; and having bound our selves both in that Oath; and by our Protestation, *To maintain the Kings Honour, Estate, Jurisdiction, and all manner of Rights*: it is clear to our understandings, that we cannot without disloyalty and injury to Him, and double Perjury to our selves, take upon us without his consent to make any alteration in the Ecclesiasticall Laws or Government, much lesse to endeavour the extirpation thereof: Unless the imposers of this Covenant had a power and meaning (which they have openly (d) disclaimed) to absolve us of that obedience, which under God we owe unto His Majesty, whom they know to be intrusted with the Ecclesiasticall Law.

(d) They refuse into the people, that we mean—

to leave every man to his own fancy— absolving him of that Obedience which he owes under God unto His Majesty, whom we know to be entrusted with the Ecclesiasticall Law, as well as with the Temporall. *Exact Collect. ubi sup. p. 19.*

2. We cannot sincerely and really endeavour the extirpation of this Government, without a sincere desire and reall endeavour, that His Majesty would grant His Royall Assent to such extirpation. Which we are so far from desiring and endeavouring, that we hold it our bounden duty by our daily prayers to beg at the hands of Almighty God, that he would not for our sins suffer the King to doe an act so prejudiciall to his honour and conscience, as to consent to the rooting out of that estate, which by so many branches of his (e) *Coronation Oath*, he hath in such a solempne manner

(e) That he will grant, keep and con-

firm the Laws, Customs, and Franchises, granted to the Clergie by the glorious King S. Edward. And that he will grant and preserve unto the Bishops, and to the Churches committed to their charge, all Canonick Privileges and due Law and Justice; and that he will protect and defend them, as every good King in his Kingdome ought to be Protector and Defender of the Bishops and the Churches under their Government. *Vide Exact Coll. p. 290, 291.*

sworn by the assistance of God to his power to maintain and preserve.

3. By the Laws of this Land, (f) the Collation of Bishopsricks, (f) See Stat. and (g) Deaneries; the (h) fruits and profits of their Lands 25. H. 8. 10. and Revenues during their vacancies; the (i) first fruits and 1. E. 6. 2. yearly tenth out of all Ecclesiasticall Promotions; and sun- (g) See Stat. dry other Privileges, Profits, and Emoluments, arising out 39. Eliz. 8. of the State Ecclesiasticall, are established in the Crown, and (h) Stat. 14. are a considerable part of the Revenues thereof; which, by E. 3. 4. & 5. the extirpation of Prelacy, as it is in the Article expounded, & 17. E. 3. or by subsequent practice evidenced, will be severed and cut 14. off from the Crown, to the great prejudice and damage (i) Stat. 26. thereof. Whereunto, as we ought not in common reason, H. 8. 3. & and in order to our Allegiance as Subjects, yield our con- 1. Eliz. 4. sent; so having sworn expressly to maintain the Kings honour and estate, and to our power to assist and defend all Jurisdctions, &c. belonging to His Highnesse, or united and annexed to the Imperiall Crown of the Realm, we cannot without manifest Perjury (as we conceive) consent there- unto.

4. The Government of this Realm being confessedly an Empire or (k) Monarchy, and that of a most excellent temper (k) — Supreme and constitution: we understand not how it can become us *summum potestatem* to desire or endeavour the extirpation of that Government *semper & merito* in the Church, which we conceive to be incomparably of all *imperium* another the most agreeable; and no way prejudiciall to the *potestas* state of so well a constituted Monarchy. In so much as Rex. Cambr. King James would often say, what his long experience Whereas by had taught him, *Ne Bishop, no King*. Which Aphorism, sundry divers though we find in sundry Pamphlets of late years to have *id est* been exploded with much confidence and scorn; yet we *significatio* must professe to have met with very little in the proceed-ings & Chron- ings of the late times, to weaken our belief of it. And we *manifestly* declared and expressed, that this Realm of England is an Empire, and so hath been accepted in the world, governed by one Supreme Head and King, having the digni- ty and royal estate of the Imperiall Crown of the same. Stat. 24. H. 8. 12. See also 1 Elizab. 3.

hope we shall be the lesse blamed for our unwillingnesse to have any actuall concurrence in the extirpation of Episcopall Government: Being of such extirpation there is no other use imaginable, but either the alienation of their Revenues and Inheritances, (which how it can be severed from *Sacrilige* and *Injustice* we leave others to find out) or to make way for the introducing of some other form of Church Government: which whatsoever it shall be, will (as we think) prove either destructive of, and inconsistent with Monarchicall Government, or at least-wise more prejudicall to the peaceable, orderly, and effectuall exercise thereof, then a well-regulated Episcopacy can possibly be.

SECT. V.

Of the other parts of the Covenant.

HAVING insisted the more upon the two first Articles, that concern Religion and the Church, and wherein our selves have a more proper concernment: We shall need to insist the lesse upon those that follow, contenting our selves with a few (the most obvious) of those many gear, and (as we conceive) just exceptions, that lie there against.

I.

In the third Article, we are not satisfied that our endeavour to preserve and defend the Kings Majesties Person and Authority is so limited, as there it is, by that addition, *In the Preservation and defence of the true Religion, and Liberties of the Kingdoms.* Forasmuch as

1. No such limitation of our duty in that behalf is to be found, either in the Oathes of Supremacy and Allegiance, (which no Papist would refuse to take with such a limitation) nor in the Protestation, nor in the Word of God.
2. Our endeavour to preserve the Rights and Privileges of Parliaments, and the Liberties of the Kingdoms, is required to be sworn of us in the same Article without the like of any other limitation added thereunto.
3. Such limitation leaveth the duty of the Subject, at so much loosenesse, and the safety of the King at so great uncertaintie;

ry; that whensoever the People shall have a mind to withdraw their obedience, they cannot want a pretence from the same for so doing.

4. After we should, by the very last thing we did (*viz.* swearing with such a limitation) have made our selves guilty of an actual and real diminution (as we conceive) of His Majesties just power and greatnesse: the obtestation would seem very unreasonable (at the least) with the same breath to call the world to bear witness with our Consciences, that we had no thoughts or intentions to diminish the same.

5. The swearing with such a limitation is a Testimony of the Subjects Loyaltie (to our seeming) of a very strange nature: which, the Principles of their severall Religions saved, the Conscience of a most resolute Papist or Sectary may securely swallow, and the Conscience of a good Protestant cannot but strein at.

In the fourth Article,

1. We desire it may be considered, whether the imposing of the Covenant in this Article do not lay a necessity upon the Son, of accusing his own Father, and pursuing him to destruction; in case he should be an Incendiary, Malignant, or other evil Instrument, such as in the Article is described. A course, which we conceive to be contrary to Religion, Nature and Humanity. II.

2. Whether the swearing according to this Article, doth not rather, open a ready way, to Children that are sick of the Father, Husbands that are weary of their Wives, &c. by appealing such, as stand between them and their desires, of Malignancy, the better to effectuate their unlawfull intentions and designs.

3. Our selves having solemnly protested to maintain the Liberty of the Subject, and the House of Commons having publicly declared against the exercise of an Arbitrary Power; with Order that their said Declaration should be printed and published in all the Parish-Churches and Chappells of the Kingdome, there to stand and remaine as a testimony of the cleareness of their intentions; whether the subject.

subjecting of our selves and brethren by Oath, unto such punishments as shall be inflicted upon us (without Law or Merit) at the sole pleasure of such uncertain Judges as shall be upon any particular occasion *deputed for that effect*, of what mean quality or abilities soever they be, even to the taking away of our lives, *if they shall think it convenient so to do*, though the degree of our offences shall not require nor deserve the same: be not the betraying of our Liberty in the lowest, and the setting up of an Arbitrary Power in the highest degree that can be imagined.

III.

The substance of the fifth Article being the settling and continuance of a firm peace and union between the three Kingdomes, since it is our bounden duty to desire, and according to our several places and interests by all lawful means to endeavour the same: we should make no scruple at all to enter into a Covenant to that purpose, were it not

1. That we do not see, nor therefore can acknowledge *the happiness of such a blessed Peace between the three Kingdomes* (for we hope *Ireland* is not forgotten) as in the Article is mentioned: So long as *Ireland* is at War within it self, and both the other Kingdomes engaged in that War.

2. That since no peace can be firme and well-grounded, that is not bottom'd upon Justice, the most proper and adequate act whereof is, *Tu suum cuique*, to let every one have that which of right belongeth unto him; we cannot conceive how a firme and lasting Peace can be established in these Kingdomes, unlesse the respective Authority, Power, and Liberty of King, Parliament and Subject, as well every one as other, be preserved full and entire, according to the known Laws and continued unquestioned customes of the several Kingdomes in former times, and before the beginning of these sad distractions.

IV.

In the sixth Article we are altogether unsatisfied.

1. The whole Article being grounded upon a supposition, which hath not yet been evidenced to us, *viz.* that *this Cause*, meaning thereby (or else we understand it not) the joyning in this Covenant of mutual defence for the prosecution

tion

on of the late War, was the Cause of Religion, Liberty and Peace of the Kingdomes; and that it so much concerned the glory of God, and the good of the Kingdoms, and the Honour of the King,

2. If all the Premisses were so clear, that we durst yield our free assent thereunto, yet were they not sufficient to warrant to our consciences what in this Article is required to be sworn of us; unlesse we were as clearly satisfied concerning the lawfulnessse of the means to be used for the supporting of such a Cause. For since evil may not be done, that good may come thereof; we cannot yet be perswaded, that the Cause of Religion, Liberty and Peace, may be supported: or the Glory of God, the Good of the Kingdoms, and the Honour of the King sought to be advanced, by such means, as (to our best understandings) are both improper for those Ends, and destitute of all warrant from the Laws, either of God or of this Realm.

Lastly, in the conclusion, our hearts tremble to think, that we should be required to pray that *other Christian Churches might be encouraged by our example to joyn in the like Association and Covenant, to free themselves from the Antichristian yoke, &c.* Wherein

V.

1. To omit that we do not know any *Antichristian yoke* under which we were held in these Kingdomes, and from which we owe to this either War or Covenant our freedom: unlesse by the Antichristian yoke be meant Episcopal Government, which we hope no man that pretendeth to Truth and Charity will affirm.
2. We do not yet see in the fruits of this Association or Covenant among our selves, any thing so lovely as to invite us to desire (much lesse to pray) that other Christian Churches should follow our example herein.
3. To pray to the purpose in the conclusion of the Covenant expressed, seemeth to us all one in effect, as to beseech Almighty God, the God of Love and Peace,
 1. To take all Love and Peace out of the hearts of Christians, and to set the whole Christian world in a combustion.

2. To render the Reformed Religion, and all Protestants odious to all the World.
3. To provoke the Princes of Europe to use more severity towards those of the Reformed Religion : if not (for their own security) to root them quite out of their severall Dominions.
4. The tyrannic and yoke of Antichrist, if laid upon the necks of Subjects by their lawfull Sovereigns, is to be thrown off by *Christian boldness* in confessing the Truth, and *patient suffering* for it ; not by taking up Arms, or violent resistance of the Higher Powers.

SECT. VI.

Some Considerations concerning the meaning of the Covenant.

Our aforesaid scruples are much strengthened by these ensuing Considerations.

1.

First, that whereas no Oath, which is contradictory to it self, can be taken without Perjury ; because the one part of every contradiction must needs be false : this Covenant either indeed containeth, or at leastwise (which to the point of conscience is not much lesse effectually) seemeth to us to contain sundry Contradictions : as namely, amongst others, these :

1. To preserve as it is, without change, and yet to reforme and alter, and not to preserve, *one and the same Reformed Religion.*
2. Absolutely and without exception *to preserve* ; and yet upon supposition to *extirpate* the self-same thing, viz. the present Religion of the Church of *Scotland*.
3. To reform Church-Government established in *England* and *Ireland*, according to the *Word of God* : and yet to extirpate the Government which we are perswaded to be according thereto, for the introducing of another whereof we are not so perswaded.
4. To endeavour *really* the extirpation of *Heresies, Schismes and Profanities* ; and yet wish to extirpate that Government in the Church, the want of the due exercise whereof we conceive

active.

ceive to have been one chief cause of the growth of the said evils; and doe believe the restoring and continuance thereof would be the most proper and effectual remedy.

5. To preserve with our estates and lives, the liberties of the Kingdom: that is, (as in the Protestation is explained) of the Subject; and yet contrary to these liberties, to submit to the imposition of this Covenant, and of the Negative Oath not yet established by Law: and to put our lives and estates under the arbitrary power of such as may take away both from us when they please, not onely without, but even against Law, if they shall judge it convenient so to doe.

Secondly, we find in the Covenant, sundry expressions of dark or doubtfull construction: Whereunto we cannot swear in judgement, till their sense be cleared and agreed upon. As, Who are the *Common Enemies*? and which be the best *Reformed Churches*? mentioned in the first Article. Who (in the fourth Article) are to be accounted *Malignants*? How far that phrase of *binding Reformation* may be extended? What is meant by the *supreme Judicatory of both Kingdoms*? and sundry other.

Thirdly, by the use that hath been made of this Covenant, (sometimes to purposes of dangerous consequence) we are brought into some fears and jealousies, lest by taking the same we should cast our selves into more snares then we are yet aware of. For in the first Article,

1. Whereas we are so endeavour the Reformation of Religion in this Kingdom, in Doctrine, Worship, Discipline, and Government, according to the Word of God, and the example of the best Reformed Churches:

1. The Reformation in Worship (whereby we could not suppose any more was intended (according to their former (4) Declaration) then a review of the Service-book, (a) The Lords

do declare, That they intend a due and necessary Reformation of the Liturgie of the Church; and take away nothing therein but what shall be evil, and justly offensive, or at least unnecessary; and further some Declaration Apr. 1642. Exact Coll. pag. 135.

that the translations might be in some places amended, some alterations made in the Offices and Rubricks; or at most, some of the Ceremonies laid aside for the reasons of expediency and condescension) hath produced an utter abolition of the whole form established: without substituting any other certain form in the room thereof.

2. The Reformation in point of Discipline and Government intended (so far as by the overtures hitherto made we are able to judge) is such, as we conceive not to be according to the Word of God, nor (for any thing we know) according to the example of any Church that ever was in the world (best or worst) since the Creation.

In the second Article, our grief and fears had been lesse, if we could have observed the extirpation of Popery, Heresie, Schism, and Profanenesse, to have been as really intended, and set on with as much speed and animosity, as the extirpation of Prelacy, and that which some call Superstition. But when we see, under the notions of rooting out Prelacy and Superstition, so much quicknesse used to fetch in the Revenues of the Church, and the sacred Utensils, (no otherwise guilty of Superstition, for ought we know, then that they are worth something) and on the other side, so little yet done toward the extirpation of Heresie, Schisme, and Profanenesse, (as things of lesse temporall advantage.) We cannot dissemble our suspicion, that the designers of this Covenant might have something else before their eyes besides what in the begining of the Introduction is expressed; and that there is something meant in this Article, that looketh so like Sacriledge, that we are afraid to venture thereon.

In the third Article,

1. Although we should not otherwise have apprehended any matter of danger or moment in the ordering of the particulars, in the Article mentioned: yet since M. Challoner in his Speech, and others have made advantage thereof to infer from that very order, that the defence of the Kings Person and Authority ought to be with subordination to the preservation of the Rights and Privileges of Parliaments, and the

the Liberties of (c) the Kingdome, which are in the first place, (c) From and before it to be endeavoured; We hope we shall be excused, if we dare not take the Covenant in this sense; especially, *whence it is most evident,* considering that if the Argument be of any force, it will bind *that the* us at least, as strongly to endeavour the maintenance of the Rights and Kings Person, Honour and Estate in the first place, and the ~~Privileges~~ *Privileges of* rest but subordinately thereunto; because they are so ordered *the Parlia-* in the Protestation: And then, that Protestation having the *ments and* advantage of preceeding, it will bind us more strongly, as be- *Liberties of* ing the first obligation. *the Kingdome*

are in the
first place to be preserved. Answ. to Scottish Papers, 18. Nov. 1646. pag. 21.

2. Whereas some have been the rather induced to take the Covenant in this particular by being told, that that limitation, *in the preservation and defence of the true Religion and Liberties of the Kingdome* was not to be understood exclusively: yet when we find that the House of Commons in their answer to the Scottish Papers, doe (d) often presse that limitation, as (d) *we ob-* without which the endeavouring to preserve the Kings Majesty Person and Authority ought not to be mentioned; it *serve you* cannot but deter us from taking the Covenant in this particular so understood. *in upon the*

King twice
from the Co-
venant, yet in both places leave out In the preservation and, &c. pag. 39. & 46. *a* maine clause, without which the other part ought never to be mentioned. pag. 56.

3. Especially being told in a late Pamphlet, that the King not having preserved the Liberties of the Kingdome, &c. as of duty he ought, is thereby become a Tyrant, and so ceaseth to be a King, and consequently that his subjects cease to be Subjects, and owe him no longer subjection. Which assertion, since we heartily detest, as false and scandalous in the supposition, and in the inference seditious and divellish; we dare not by subscribing this Article seem to give the least countenance thereunto.
4. But it striketh us with horror to think what use hath been made of this fourth Article; concerning the punishment of

Malignants, &c. as by others otherwayes; so especially by the *Corroitor of a speech without doors*, written in the defence of M. Challeners Speech: Who is so bold as to tell the Parliament, that they are bound by their Covenant (for the bringing of evil instruments to condigne punishment) to destroy the King and his Posterity; and that they cannot justify the raking away of *Straffords* and *Centerburies* lives for Delinquency, whilst they suffer the cheif Delinquant so go unpunished.

SeR. VII.

Of the Salvo's.

THe *Salvo's* that we have usually met withall, for the avoyding of the foresaid scruples, either concerning the whole Covenant, or some particulars therein of speciall importance: We find upon examination to be no way satisfactory to our Consciences.

I.

The first is that we may take the Covenant *in our own sense*: but this (in a matter of this nature, viz. an imposed promissory Oath, in the performance whereof others also are presumed to be concerned) seemeth to be, *First*

Contrary to the Nature and end of an Oath, which unlesse it be full of simplicity, cannot be Sworn in Truth and Righteousnesse, nor serve to the ending of controversies and contradictions, which was the use for which it was instituted, *Heb. 6.*

2. **Contrary to the end of speech**: God having given us the use of Speech for this end, that it might be the interpreter of the mind; it becometh us, as in all other our dealings and contracts, so especially where there is the intervention of an Oath, so to speak as that they, whom it concerneth, may clearly understand our meaning by our words.

3. **Contrary to the end of the Covenant** it self. Which being the confirmation of a firm union among the Covenanters, that by taking thereof they might have mutuall assurance of mutuall assistance and defence: If one may be allowed to take it in one sense, and another in a contrary, the Covenanters shall have

have no more assurance of mutual assistance each from other after the taking of the Covenant, then they had before.

4. Contrary to the Solemn profession made by each Covenant (in expresse termes in the conclusion thereof) in the presence of Almighty God, the searcher of all hearts, that he taketh it with a true intention to perform the same, as he shall answer is at the great day.

Secondly, This will bring a scandall upon our Religion,

1. That we practice that our selves, which we condemn in the Papist, viz. Swearing with Jesuiticall equivocations and mental reservations.

2. That we take the glorious and dreadful Name of God in vain; and play fast and loose with Oathes: in as much as what we swear to day in one sense we may swear the direct contrary to morrow in another. And

3. It will give strength to that charge which is laid to the Presbyterian party, in speciall, both (A) by Jesuites and (B) Secta (a) Heretici; that there is no faith to be given to Protestants, what ever *ne Deo, ne they swear*: because they may swear one thing in their *hominibus* words, and in their own sense mean another.

servant fidem. — Spe-

diatum hoc addit Calvinist as in hac re deteriores esse quam Lutheranos. Nam Calvinist a nullam servant fidem: Jura, perjury. — Lutherani moderatores sunt. Be-
can. 4. Manual. Controv. 14. n. 4. & 6. (b) *Interi Quibus and Covenants for*
the Kingdoms, differ with them when he pleases, swear and forswear as the wind
turneth, like a godly Presbyterian. Arnaig. of Persec. in Epist. Ded.

The second way is, to take the Covenant with these or these like generall *Salvo's* expressed, viz. *So far as lawfully I may; So far as it is agreeable to the word of God, and the Law of the Land; Saving all Oathes by me formerly taken, &c.* But

1. We believe this mocking of God would be so far from freeing us from the guilt of Perjury, that thereby we should rather contract a new guilt of most vile and abominable Hypocrisie.

2. It seemeth all one unto us (the thing being otherwise supposed unlawfull) as if we should swear to kill, steal, commit adultery, or forswear our selves, so far as lawfully we may.

3. If this would satisfie the Conscience, we might with a good Conscience not onely take the present Covenant, but even subscribe to the *Council of Trent* also; yea, and to the *Furkish Alcoran*; and swear to maintain and defend either of them, *viz.* so far as lawfully we may, or as they are agreeable to the Word of God.

Thirdly, for the *second Article* in particular, in the branch concerning the extirpation of Church-government, we are told that it is to be understood of the whole Government, taken collectively and in *sensu composito*, so as if we do endeavour but the taking away of *Apparitors* onely, or of any other one kind of inferior Officers belonging to the Ecclesiastical Hierarchy, we shall have sufficiently discharged our whole promise in that particular without any prejudice done to Episcopacy. But

1. Neither the composers of the Covenant by their words, nor the imposers of it by their actions, have given us the least signification that they meant no more.
2. Yea rather, if we may judge either by the cause or the effects, we may well think there was a meaning to extirpate the whole Government, and every part thereof in the Article expressed. For
3. The Covenant being (as we have no cause to doubt) framed at the instance of the Scots, and for the easier procuring of their assistance in the late War, was therefore in all reason so to be framed and understood as to give them satisfaction, and (considering what themselves have (c) declared against Episcopacy) we have little reason to believe the taking away Apparitors, or any thing, lesse than the rooting out of Episcopacy it self, would have satisfied them.

(c) By the Covenant, both Houses of Parliament, & ma-

ny thousands of other his Majesties Subjects of England and Ireland stand bound as well as we to hinder the setting up of the Church-government by Bishops in the Kingdoms of Scotland: And that we as well as they stand bound to endeavour the extirpation thereof in England and Ireland. Scots Declar. to the States of the United Provinces, 5. Aug. 1645. recited in Answer to the Scots Papers, pag. 23.

2. The proceedings also since the entring of this Covenant in endeavouring by Ordinance of Parliament to take away the

the Name, Power and Revenues of Bishops do fully give us to understand what was their meaning therein.

Fourthly, as to the Scruples that arise from the Sovereignty of the King, and the duty of Allegiance as Subjects; we find two several wayes of answering, but little satisfaction in either.

IV.

1. The former, by saying (which seemeth to us a piece of unreasonable and strange Divinity) that *Protection* and *Subjection* standing in relation either to other, the King being now disabled to give us protection, we are thereby freed from our bond of Subjection. Whereas

2. The Subjects obligation (*Jus Subjectionis*) doth not spring from, nor relate unto the actual exercise of Kingly protection; but from and unto the Princes obligation to protect (*Jus Protectionis*). Which obligation lying upon him as a duty which he is bound in conscience to performe, when it is in his power so to do; the relative obligation thereunto lieth upon us as a duty which we are bound in conscience to performe, when it is in our power so to do. His inability therefore to performe his duty doth not discharge us from the necessity of performing ours, so long as we are able to do it.

2. If the King should not protect us, but neglect his part, though having power and ability to perform it; his voluntary neglect ought not to free us from the faithful performance of what is to be done on our part. How much lesse then ought we to think our selves disobliged from our subjection, when the *Non-protection* on his part is not from the want of will, but of power?

2. The later (wherein yet some have triumphed) by saying that the Parliament being the Supreme Judicatory of the Kingdom, the King, *wheresoever in person*, is ever present there *in his power*, as in all other Courts of Justice; and that therefore whatsoever is done by them, is not done without the King, but by him. But craving pardon first, if in things without our proper sphere we hap to speak unproperly or amiss; we must next crave leave to be full of the same mind we were, till it shall be made evident to our understandings,

E

that

that the King is there *in his power*, as it is evident to our senses that he is not there *in his Person*. Which so far as our natural reason and small experience will serve us to judge, all that hath been said to that purpose can never do.

V. For, first, to the point of presence:

(d) The old
formes of
Acts of Par-
liam. were,
The King
willeth, pro-
videth, ordaineth, establisheth, prameth, &c.

by the assent of Parliament; &c. See Statutes till 1 H. 4. After that, The King of the assent of the Lords Spiritual and Temporal, and of the special influence and request of the Commons of this Realm, hath ordained, &c. See Statutes 1 H. 4. till 1 H. 7. A forme of such Petition of the Commons, see 1 R. 3. 6. *Prayer the Commons in this present Parliament assembled, that where, &c. Please it therefore your Highness, by the advice and assent of the Lords Spiritual and Temporal in this your present Parliament assembled, and by the authority of the same, to ordain, &c.*

No Bill is an Act of Parliament, Ordinance, or Edict of Law, although both the Houses agree unanimously in it, till it hath the Royal assent. Ancient Customes
pag. 54.

Assemblée de ceux trois Estats est appellee un Act de Parlement: car sans tous trois nest aucun Act de Parli. Finch Noted. fol. 110.

We admit that no Acts of Parliament are complete, or formally binding without the Kings assent. H. P. answer to David Jenkins, pag. 6.

(e) — Which if your Majesty shall be pleased to adorn with your Majesties Royal assent, (without which it can neither be complete nor perfect, nor —) Stat. 1. Jac. 1.

(f) Stat. 33.
H. 3. 21.

8. The (d) Statute, providing that the Kings assent to any Bill signified under his great Seal shall be to all intents of Law as valid and effectual, as if he were personally present, doth clearly import that as to the effect of making a Law, the Kings Power is not otherwise really present with the two Houses, then it appears either in his Person or under his Seal. Any other usual phrase is so used, not much unlike to that of *Sanctification*: an imaginary thing rather devised to serve
turnes,

truths, then believed by those that are content to make use of it.

3. Such presence of the King there, when it shall be made appear to us either from the writs, whereby the Members of both Houses are called together, or by the standing Laws of the Land, or by the acknowledged judgement, and continued practice of former and later ages, or by any expresse from the King himself, clearly declaring his mind to that purpose, we shall then as becometh us, acknowledge the same, and willingly submit thereunto.

And as for the Argument drawn from the Analogy of other Courts, wherein the Kings Power is alwayes supposed to be virtually present, under submission we conceive it is of no consequence.

1. The Arguments *à minore* and *à maiore* are subject to many fallacies; unless there be a parity of reason in every requisite respect between the things compared, will not hold good: A very Constable (they say) may doe something which a Justice of Peace cannot doe: And the Steward of a petty Mannour hath power to administer an Oath, which (as we are told) the House of Commons in itself hath no power to doe.

2. That the high Court of Parliament is the supreme Judicatory, we have been told it is by vertue of the Kings right of presiding there, he being (g) the *Supreme Judge*, and the Members of both Houses his Councell: Which being so, the reason of difference is plain between that and other Judicatories in sundry respects.

Et potestatem super omnes qui in regno sunt: — Et quia jurisdictionis tantum & potestatis — ad nullum pertinent nisi ad coronam & dignitatem Regiam, nec a coram separari possunt. — *Bracton* cited by *Stamford*, lib. 2. cap. 2.

1. The Judges in other Courts are deputed by him, and do all in his name, and by his authority; and therefore the presence of his power in those Courts of ministeriall Jurisdiction is sufficient, his personall presence not necessary, neither hath he any personall vote therein at all. But in the high Court of Parliament, where the King himself is the Supreme Judge,

judging in his own name and by his own authority; his Power cannot be presumed to be really present without either the actuall presence of his person, or some virtuall representation thereof signified under his great Seal.

2. The Judges in inferiour Courts, because they are to act all in his name, and by his Authority, doe therefore take Oathes of fidelity for the right exercising of Judicature in their severall places; sitting there, not by any proper interest of their own, but only in right of the King, whose Judges they are, and therefore they are called the Kings Judges and his Ministers. But in the high Court of Parliament, the Lords and Commons sit there in Councell with the King as Supreme Judge for the good of the whole Realm; and therefore they are not called the Kings Judges, but the Kings Councell: and they have their severall proper rights and interests peculiar and distinct both between themselves, & from that of the Kings; by reason whereof they become distinct

(h) For in our Lawes, the Clergie, Nobility, & Communalty are the 3. Estates.

We your said most loving, faithful, and obedient Subjects, (viz., the Lords

Spirituall and Temporall, and the Commons) representing your Three Estates of your Realme of England, 1 Eliz. 2.— the State of the Clergie being one of the greatest States of this Realme. 8 Eliz. 1.

(i) See Finch *supra* ad lit. [d].

(h) Orders, or, as of late times they have been newly and unhappily styled in this sense as we conceive, for in any other it cannot be tolerably admitted, (i) *three distinct Estates* Each of which being supposed to be the best Conservators of their own proper interest; if the power of any one Estate should be presumed to be virtuallly present in the other two, that Estate must needs be inevitably liable to suffer in the proper Interests thereof. Which might quickly prove destructive to the whole Kingdome: The safety and prosperity of the whole consisting in the conservation of the just rights and proper interests of the maine parts, viz. The King, Lords, and Commons; inviolate and entire.

3. The Judges of other Courts, for as much as their power is but ministeriall and meerly Judiciall, are bounded by the present Lawes, and limited also by their own Acts: so as they

they may neither wylve from the Laws, in giving Judgment, nor reverse their own judgments after they are given. But the High Court of Parliament having by reason of the Kings supreme power presiding therein) a power Legislative as well as Judicial, are not so limited by any earthly power, but that they may change and over-rule the Laws, and their own Acts at their pleasure. The Kings personal assent therefore is not needful in those other Courts, which are bounded by those Laws whereunto the King hath already given his personal assent: But unto any Act of Power beside, beyond, above, or against the Laws already established, we have been informed, and it seems to us very agreeable to reason, that the Kings personal assent should be absolutely necessary: Forasmuch as every such Act is the exercise of a Legislative rather than of a Judicial power, and no Act of Legislative power in any Community (by consent of all Nations) can be valid, unless it be confirmed by such person or persons as the Sovereignty of that Community consisteth in. Which Sovereignty, with us, forindoubtedly resideth in the person of the King, that his ordinary title runneth thus—*Our* (k) *Sovereign Lord the King*: And he is in the Oath of Supremacy expressly acknowledged to be *the only Supreme Gover-* (h) *The Crown of* *our* *rightful* *heir* *Reverend*. And we leave it to the wisdom of *English* *hath* *been* *so* *far* *from* *the* *Kingdome*, if the power of any of these *three* *Estates* *at* *all* *times*, should be swallowed up by any one or both the other, and if *the* *is* *both* *then* *under* *the* *name* *of* *a* *Judicial* *there* *should* *be* *yet* *really* *exercised* *a* *Legislative* *power*. *variously* *sub-*

immediately to God in all things touching the Regality of the said Crown.— 16. R. 2. 5. *Omnis sub eo est, & ipse sub nullo, nisi tantum sub Deo. Parem autem non habet Rex in regno suo, quia— Item nec multo fortius superiorem aut potentiores habere debet, quia sic esset inferior suis Subiectis.* Bracton. conten. 1. Rubr. 36.
— *Cui auctoritate legum vim imponendi potestatem Deus dedit.* Finch Nomotech. in Epist. Dedic. to K. James.

4. Since all Judicial power is radically and originally in the King,

(1) *Fons
Justitie.*
Bracton.

*By War to
maintain the al-
teration of
the Laws in
any part of
them, is to le-
vy War a-
gainst the
King, and
consequently
Treason by
the Statute of
25. E. 3. —
because they
are the Kings
Laws. He is
the fountaine
from whence
in their seve-
rall channels
they are de-
rived to the
Subject. Ma-*

King, (who is for that cause styled by the Lawes (1) *The fountain of Justice*) and not in any other Person or Persons, but by derivation from him: it seemeth to us evident; that neither the Judges of inferiour Courts of ministerial Justice, nor the Lords and Commons assembled in the High Court of Parliament, may of right exercise any other power over the Subjects of this Realm, than such as by their respective Patents and Writs issued from the King, or by the known established Laws of the Land formerly assented unto by the Kings of this Realm doth appear to have been from him derived unto them. Which Laws, Patents and Writs being the exact boundary of their severall powers, it hath not yet been made appear to our understandings, either from the Laws of the Realm, or from the tenour of those Writs by which the Parliament is called, that the two Houses of Parliament have any power without the King to order, command or transact; but with him (m) to treat, consult and advise concerning the great affairs of the Kingdom. in which respect they have sundry times in their Declarations to His Majesty called themselves by the name of His great Council. And those Laws and Writs are (as we conceive) the proper Topick, from which the just power of the Honourable Houses can be convincingly deduced: and not such frail Collections as the wits of men may raise from seeming Analogies and Proportions.

See Saint John's Speech concerning the Earl of Srafford, pag. 12.

(m) — *Ex istidem vobiscum colloquium habere, tractare super dictis negotiis tractatibus, consilium impensur:* Writ to the Lords.

SECT. VIII.
Of the Negative Oath.

WE are not satisfied, how we can submit to the taking of the *Negative Oath*,

1. Without forfeiture of that *Liberty*, which we have sworn and are bound to preserve. With which liberty we conceive it to be inconsistent, that any obligation should be laid upon the Subject, by an oath not established by Act of Parliament.
2. Without abjuring our (a) *natural Allegiance*, and violating the *Oath of Supremacy and Allegiance* by us formerly taken. (a) Every By all which being bound to our power to assist the King, we Subject by are by this *Negative Oath* required to swear, from our heart, the duty of not to assist him.

den to serve and assist his Prince and Sovereign Lord at all seasons when need shall require. 11. H. 7. 18.

3. Without diminution of His Majesties just Power and greatness, contrary to the third Article of the Covenant; by acknowledging a power in the two Houses of Parliament, in opposition to the Kings Power. Whereas we protest ourselves unable to understand, how there can be any lawfull power exercised within this Realm, which is not subordinate to the power of the King.

SECT. 9.

Of the Ordinances concerning the
Discipline and Directory.

I.

First, concerning them all together; we are not satisfied how we can submit to such Ordinances of the two Houses of Parliament not having *Royall Assent*.

1. As are contrary to the established Laws of this Realm contained in such Acts of Parliament as were made by the joyned consent of King, Lords, and Commons.

2. Nor so onely, but also pretend by repeal to abrogate such Act or Acts. For, since *Ejusdem est potestas destruere ejus est constituere*, it will not sink with us, that a lesser power can have a just right to cancell and annull the Act of a greater.

3. Especially the whole power of ordering all matters Ecclesiasticall being by the Lawes in expresse words *for ever annexed to the Imperiall Crown of this Realme*. And upon what head that Crown ought to stand, none can be ignorant.

II.

As to the particular Ordinances; those that concern the *Discipline*, first.

1. If under that title be comprehended the *Government* also: we cannot submit thereunto, without consenting to the eradication of a Government of reverend Antiquity in the Church. Which (notwithstanding the severall changes of Religion within this Realm) hath yet from time to time been continued and confirmed by the Publique Laws and Great Charters of the Kingdome: then which there cannot be a more ample testimony that it was ever held agreeable to the Civill Government and the Subjects liberty. Which also the successive Kings of this Realme at their severall Coronations have solemnly sworn to preserve. And the continuance whereof for sundry reasons before (upon the second Article of the Covenant) specified, we heartily wish and desire.

2. But if the word *Discipline* be taken (as it is in the first Article

tie of the Covenant) as *contradistinguished* with the Govern-
ment: there is something even in that also, wherein we are

not fully satisfied, viz. the leaving of so much power in so
many persons, and those, many of them of mean quality
for the keeping back of thousands of well-meaning Christi-
ans from the benefit and comfort of the blessed Sacrament.

An Austerity, for which there appeareth not to us any proba-
ble warrant from the Word of God: But which seemeth ra-
ther repugnant, as to the generall principles of Christian pru-
dence and charity, so to the directions and practice of S. Paul *1 Cor. 5. 1.*
in particular, who in a Church abounding with sundry errors &c.
and corruptions both in faith and manners, (having first given
order for the excommunicating of one onely person that
by shamelesse continuance in a notorious sinne had brought
a soul scandall upon the Gospell) sufficing himself then with
a generall proposall of the great danger of *unworthy commu-*
nucating, remitteth every other particular person to a *self-*
examination; without any order either to Ministers or Lay-
Elders to exclude any from the holy Communion upon their *28. &c.*
Examination.

As to the Ordinance concerning the *Directory* in particular: we III.
cannot without regret of Conscience, (during our present judge-
ment, and the continuance of the present Lawes) consent to the
taking away of the *Book of Common-Prayer*.

1. Which by our Subscriptions most of us have approved: with
a solemn promise therewithall, in the publique Service to use
the form prescribed therein, and no other.
2. Which, according to our said Subscription and Promise, and
our bounden duty according to the Statute in that case pro- 1 Eliz.
vided, we have hitherto used in our Churches, Chappels,
and other Oratories, to the great benefit and comfort of our
souls.
3. Which we verily believe not to contain any thing which
(with such favourable construction as of right ought to be
allowed to all manner of Writings) is not justly defensible;
which hath not been by learned and godly men sufficiently
maintained against such exceptions as have been heretofore
take n therat; and which we are not confident (by the Assi-

stance of Almighty God) we shall be able to justify (as occasion shall be offered) against all Papists, and other oppugners or depravers thereof whatsoever.

4. Which is established by an *Act of Parliament*, made (in peaceable times) by as good and full authority as any under heaven can have over us. Which doth so weigh with us, that as it freeth us from the necessity of giving in any particular exceptions against the Directory or any thing therein contained: so it layeth an inevitable necessity upon us of continuing the form of Prayer therein enjoined, and of not admitting any Directory or other form to the prejudice thereof, till the said Act shall by the like good and full authority be repealed.

In which Statute there is not only an *expresse Command* given to all Ministers for the using of the same; but there are also *sanctions of severe punishments* to be inflicted upon such of them as shall refuse so to doe; or shall preach, declare or speak any thing to the derogation or depraving of the Book of Common Prayer, or of any thing therein contained, or of any part thereof: with punishments also to be inflicted upon every other person whatsoever (*the Lords of the Parliament* not excepted) that shall in like manner declare or speak against the said Book; or shall by deed or threatening compell or otherwise procure or maintain any Minister to say open Prayer, or to minister any Sacrament in any other manner or form then is mentioned in the said Book; or shall interrupt or hinder any Minister in the use of the said formes, as by the words of the said Statute more at large may appear.

Which Statute also hath had such an universall powerfull influence into the succeeding times, that in all such * Statutes as have been since made against Popish Recusants, the refusing to be *present at Common-Prayer, or to receive the Sacrament according to the formes and rites* mentioned in that Book, is expressed as the most proper legall character, whereby to distinguish a *Popish Recusant* from a true Protestant. In so much that use hath been made of that very Character in sundry Acts, since the beginning of this present Parliament for the taxing of double payments upon Recusants.

Thus

* Stat. 23.

Eliz. 1. &

29. Eliz. 6.

& 35. El. 1.

& 2. & 3.

Jac. 4. & 5.

THus have we clearly and freely represented our present judgement concerning the said Covenant, Negative Oath, and Ordinances; which upon better information in any particular, we shall be ready to rectifie. Onely we desire it may be considered, that if any one single scruple or reason in any the premisses remaine unsatisfied, (though we should receive full satisfaction in all the rest) the Conscience would also remaine still unsatisfied. And in that case, it can neither be reasonable for them that cannot satisfie us to presse us, nor lawfull for us that cannot be satisfied to submit to the said Covenant, Oath, and Ordinances.

Q U I N T I L.

*Quis damnaveris eum, qui duabus potentissimis rebus defenditur,
Jure & mente?*

R O M. 14. 22.

Happy is he that condemneth not himself in that which he alloweth.

T H E E N D.

Thus have we clearly and freely responded to our present
 judgment concerning the said *Conscience* Negative Ord-
 and *Conscience*; which upon our information in any part
 could we shall be ready to testify. Only we desire it may be
 considered that in any one single article or reason in any the
 premises remains unaltered, (though we should receive full in-
 formation in all the rest) the *Conscience* would also remain still
 unaltered. And in that case it can neither be reasonable for
 them that cannot satisfy us to press us, nor lawful for us to
 entreat by law, to submit to the said *Conscience* Ord, and
Conscience.

QUINTA.

Q.ue *Conscience* Ord, and *Conscience* Ord, and *Conscience* Ord,
 and *Conscience* Ord, and *Conscience* Ord, and *Conscience* Ord,

ROM. 11. 22.

It is to be that *Conscience* Ord, and *Conscience* Ord, and *Conscience* Ord,
 and *Conscience* Ord, and *Conscience* Ord, and *Conscience* Ord,

T H E E N D

